IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRD DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 4109 of 2005

Between:

M/s Bhumitra Agro Chemicals, Managing Partner Dande Venkata Lakshmi Kantham, D/o Subbarao, 2-238, Bommuru, East Godavari District.

..... PETITIONER

AND

1 The Zonal Manager/Chief Manager and Authorised Officer, Andhra Bank, Kakinada Zonal Office, Kakinada, East Godavari District.
2 The Branch Manager, Andhra Bank, Dhowalaiswaram, East Godavari District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents in not considering the application made by us under One time Settlement Scheme and further action of the respondents in contemplating steps pursuant to the notice issued by the1st respondent under section 13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act 2002, without considering the explanation dated 21-2-2005, as arbitrary, illegal, contrary to section 13 (3A) of the said Act and violative of the principles of natural justice, apart from the Fundamental Right guaranteed under Article 19(1) (g) of the Constitution of India and consequently direct the respondents not to take coercive steps pursuant to the notice dated 20-12-2004 and to pass such other order or orders as deemed fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.K.SARVA BHOUMA RAO
Counsel for the Respondenta: MR.NUTY RAM MOHAN RAO

The Court made the following :

ORDER: (Per Sri B.Sudershan Reddy,J)

We have heard the learned counsel for the petitioner and Sri Nuty Rammohan Rao, learned standing counsel appearing on behalf of the respondent-bank and at their request, the matter is taken up for disposal even at the admission stage. Rule nisi.

The petitioner claims to have submitted objections through a representation dated 21.02.2005 to the impugned notice issued under Section 13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. The gravamen of the compliant in the instant writ petition relates to the alleged inaction on the part of the respondents in considering the representation stated to have been made by the petitioner on 21.02.2005. It is submitted that the respondents cannot be permitted to proceed further in the matter without disposing of the objections/explanation dated 21.02.2005.

The only direction that could be issued by this Court at this stage is to direct the respondents herein to consider the objections/explanation, if any, preferred by the petitioner to the impugned notice issued under Section 13 (2) of the said Act before proceeding further in the matter. It is needless to observe that if the petitioner did not make any objections as stated on 21.02.2005, it shall be open to the respondent-bank to proceed further in the matter.

The writ petition is accordingly disposed of. No order as to costs.

(B.Sudershan Reddy,J)

03..03..2005

(C.V.Ramulu, J)

Note: Furnish copy

today.

(B/o.)

ks/ts

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To

1 The Zonal Manager/Chief Manager and Authorised Officer, Andhra Bank, Kakinada Zonal Office, Kakinada, East Godavari District.
2 The Branch Manager, Andhra Bank, Dhowalaiswaram, East Godavari District.

3 2 CD copies.